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June 21, 2012

Aladean DeRose
Acting City Attorney
City of South Bend
Attn: Claims Department
227 West Jefferson Blvd., Suite 1400 N
South Bend, Indiana 46601

Office of Attorney General
ATTN: Tort Claim Investigations
Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204

Indiana Political Subdivision
Risk Management Commission
Sherry Barnes
311 West Washington Street, Suite 300
Indianapolis, Indiana 46204

RE: Tort Claim Notice for Karen DePaepe

To Whom It May Concern:

I have been retained by former South Bend city employee Karen DePaepe, as legal counsel in a tort and violation of civil rights action, and any other appropriate civil action. This correspondence represents our Tort Claim Notice pursuant to Ind. Code § 34-13-3-6. Pursuant to Ind. Code § 34-13-3-10, the following is a short and plain statement of the facts upon which the claim is based.

THE CIRCUMSTANCES WHICH BROUGHT ABOUT THE LOSS

On April 10, 2012 Ms. DePaepe attended a meeting in the Mayor's office at the request of Mike Schmuhl, Chief of Staff for Mayor Buttigieg. Mike Schmuhl was in attendance at the meeting along with Charles Hurley the interim Police Chief, and Rich Hill, Special Counsel for Mayor Buttigieg. Ms. DePaepe was asked to resign and when she refused she was fired. At the time she was fired, Ms. DePaepe held the position of Director of Communications, overseeing the Communications Center in handling all the Police, Fire, and 911 communications for the City of South Bend.

Prior to Ms. DePaepe's firing her duties included compiling and maintaining all records, documentation, and audio recordings created and housed within the Communications Center as well as responding to requests for information from various departments with reports using available information. Ms. DePaepe would record the lines as directed by the Chief of Police, a practice well established by the South Bend Police Department.

Acting entirely within the scope of her duties as Communications Director, Ms. DePaepe discovered a ranking police officer of the South Bend Police Department, as well as others within the Police Department, were engaged in serious acts of misconduct. The acts of misconduct ranged from the potential commission of criminal offenses to serious breaches of City policies and procedures. The content of some of the conversations contain racially derogatory statements relating to other ranking officers. None of these discussions had anything to do with legitimate law enforcement, and yet were done during the hours that the individuals were being paid to perform duties for the city. Many of these discussions related to schemes regarding how to influence the then incoming, now current, Mayor to place individuals in positions of power with the Police Department, including the ouster and replacement of former Chief of Police, Darryl Boykins. Upon the discovery, Ms. DePaepe reported this information through proper channels to the Chief of Police. As a result, she was fired.

The City's actions have caused Ms. DePaepe to suffer grievously. She was a twenty-five year veteran who had absolutely no blemishes upon her employment record. In fact, her employment file as kept by the South Bend Police Department contains commendation after commendation for a job well done. In addition to being fired during a very public investigation, Mayor Buttigieg has repeatedly stated publicly and in writing that Ms. DePaepe was involved in illegally recording phone lines for the South Bend Police Department and her actions may have caused a Federal investigation. As a result, not only has Ms. DePaepe suffered the financial loss of her income and her benefits; she has also incurred damage to her reputation, been publicly humiliated, and suffered severe emotional distress.

THE EXTENT OF THE LOSS

The total extent of the loss is not yet ascertainable. As a direct and proximate result of the wrongful, illegal and discriminatory actions of the Office of the Mayor and the City of South Bend, Ms. DePaepe has suffered violations of her constitutional rights, due process violations, a wrongful and public termination, loss of employability, damage to character and reputation, financial, and related damages.

TIME AND PLACE THE LOSS OCCURRED

City of South Bend, Saint Joseph County, Indiana. On or about April 10, 2012, and continuing.

NAMES OF ALL PERSONS INVOLVED, IF KNOWN

At the present time the following individuals have been identified:

1. Pete Buttigieg, Mayor City of South Bend
2. Mike Schmuhl, Chief of Staff for Mayor Pete Buttigieg
3. Rich Hill, Special Counsel for Mayor Pete Buttigieg
4. Charles Hurley, Interim Chief of Police, City of South Bend
5. Darryl Boykins, Former Chief of Police, City of South Bend

THE AMOUNT OF THE DAMAGES SOUGHT

It is difficult to quantify the damages my client will seek because the full extent of the loss cannot be determined at this time. Given the grievous, and outrageous conduct of the City, and the extent of the financial and emotional impact suffered by Ms. DePaepe we are seeking damages

The

elements of damages my client will be entitled to recover include but are not limited to:

1. Loss of Income
2. Loss of benefits
3. Damage to Reputation and Character
4. Other damages including costs, loss of employability, attorney's fees, punitive damages.

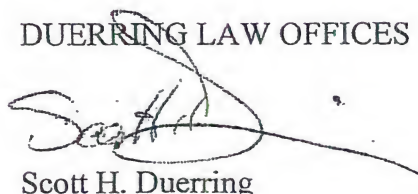
**ADDRESS OF CLAIMANT AT THE TIME OF THE LOSS
AND THEIR CURRENT ADDRESS**

Karen M. DePaepe

Ms. DePaepe should be contacted in care of her counsel at the Duerring Law Offices.

Respectfully,

DUERRING LAW OFFICES



Scott H. Duerring